



# Department of Justice

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## **JUSTICE DEPARTMENT TO APPEAL DISTRICT COURT RULING DISMISSING OBSCENITY CHARGES IN THE EXTREME ASSOCIATES CASE**

WASHINGTON, D.C. – The Department of Justice announced today that it will appeal to the United States Court of Appeals for the Third Circuit a recent ruling by a U.S. District Court judge in Pennsylvania that dismissed a criminal obscenity indictment in the case of *U.S. v. Extreme Associates, Inc., Robert Zicari and Janet Romano*. U.S. Attorney Mary Beth Buchanan filed the government's notice of appeal today in the United States District Court for the Western District of Pennsylvania.

On Jan. 20, 2005, U.S. District Court Judge Gary Lancaster dismissed the 10-count indictment charging the defendants with conspiracy to distribute obscene materials, three counts of mailing obscene films, and six counts of transmitting obscene material over the Internet.

"The Department of Justice places a premium on the First Amendment right to free speech, but certain activities do not fall within those protections, such as selling or distributing obscene materials," said Attorney General Alberto R. Gonzales. "The Department of Justice remains strongly committed to the investigation and prosecution of adult obscenity cases."

As alleged in the indictment, Extreme Associates, based in Los Angeles, California, offered obscene materials for sale through its website. Customers could purchase videos through the website and could also purchase video clips by becoming a member of the website and downloading videos. Extreme Associates and its principals and owners, Robert Zicari and Janet Romano, were indicted by a federal grand jury in Pittsburgh, Pennsylvania, on Aug. 6, 2003. The Justice Department believes that the reasoning of the District Court in dismissing the indictment, if upheld, would undermine not only the federal obscenity laws, but all laws based on shared views of public morality, such as laws against prostitution, bestiality and bigamy.

The Extreme Associates case is being prosecuted by the office of U.S. Attorney Mary Beth Buchanan of the Western District of Pennsylvania, with assistance from the Child Exploitation and Obscenity Section of the Criminal Division, U.S. Department of Justice, headed by Section Chief Andrew Oosterbaan.

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